## NOT FOR PUBLICATION

## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

TIM VAWTER, : Civil No. 08-4255 (GEB)

Plaintiff, :

: OPINION AND ORDER v. :

NEWS CORPORATION,

Defendant.

Plaintiff TIM VAWTER ("Plaintiff"), having submitted a complaint and an amended complaint in the above captioned matter, and it appearing that:

- 1. The Clerk will not file the complaint and the amended complaint unless the person seeking relief pays the entire applicable filing fee in advance or the person applies for and is granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915. *See* Local Civil R. 5.1(f).
- 2. The filing fee for commencing a civil action in this court is \$350.00. See 28 U.S.C. § 1914(a).
- 2. Plaintiff did not prepay \$350.00; rather, he submitted his application to proceed in this matter *in forma pauperis*, pursuant to 28 U.S.C. § 1915 ("Application").
- 3. In making such an application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty. *United States ex rel. Roberts v. Pennsylvania*, 312 F. Supp. 1, 2 (E.D. Pa. 1969) (finding affiant's application legally insufficient where the application failed to state the facts of affiant's poverty with any degree of particularity, definiteness or certainty) (citing *United States v. Coor*, 213 F. Supp. 955, 956 (D.D.C. 1963), *rev'd*

on other grounds, 325 F.2d 1014 (D.C. Cir. 1963); Jefferson v. United States, 277 F.2d 723, 725 (9th Cir. 1960)).

- 4. In his Application, Plaintiff failed to list his last date of employment, the take-home salary or wages and pay period for that employment, as well as the name and address of his last employer. (Appl. ¶2(b).)
- 5. Further, Plaintiff failed to state with particularity the amount of income he received from "business, profession or other self-employment" in the past twelve months. Id. at ¶3(a). Instead, Plaintiff only stated that he received a "small amount" of income from that source. Id.

IT IS THEREFORE on this 15th day of September, 2008,

ORDERED that Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice; and it is further

ORDERED that Plaintiff is granted leave to file an amended application to proceed *in forma* pauperis within 20 days of the date of this Order; and it is further

ORDERED that the Clerk shall serve this Order upon Plaintiff by regular U.S. mail.

s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.